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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,971	01/10/2001	Kamal Emile Dimitri	TUC920000072 US1	8350

7590 03/03/2003

Dale F. Regelman
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Tucson, AZ 85714

EXAMINER


SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/757,971	Applicant(s) DIMITRI ET AL.	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, directed towards Claims 1-22 in Paper No. 8 is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the movable rail system and movable storage slots must be shown and described in the specification as to how they correspond to figure 1, which appears to indicate a top view of the system in the X-Y plane. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostwald et al in view of Kanetsuku et al. Ostwald et al discloses the following.

As described in Claims 1, 10, 11 or 19;

1. an automated data storage system for storing and accessing a plurality of data storage media stored in a plurality of storage slots, said automated data storage system having at least one data storage drive for receiving said data storage media and reading and/or writing data thereon (see abstract, for example);
2. a first media storage library having a first rail system (121-126);
3. a garage disposed adjacent said first media storage library, said garage having a movable rail system (131-133) disposed therein (note that it would have been obvious to provide a garage that encompassed said movable rail system adjacent said media library so as to provide a place for an accessor to reside—see Kanetsuku et al, col. 1, lines 32-37—the reason would have been to prevent contamination of the accessors as well as provide a place for them to reside—note that Kanetsuku et al and Ostwald et al are considered to be analogous as they both concern the data media library accessing and storing art.);
4. one or a plurality of accessors (102) for accessing and transporting said data storage media between said storage slots and said data storage drive;
5. said one or a plurality of accessors is moveably disposed on the first rail system or on said movable rail system;

6. said movable rail system can be positioned such that said one or a plurality of accessors can move between said first rail system and said movable rail system (see figure 1, for example);

As described in Claims 2 and 20;

7. said first rail system further comprises a proximal end and a distal end (note that said rails of said first rail system have two ends);

8. said movable rail system further comprises a first end and a second end (note that said rails of said movable rail system have two ends);

9. said first end can be positioned to be substantially collinear with said proximal end such that said one or a plurality of accessors can move between said first rail system and said movable rail system (note that the ends of rails of the movable rail system can be moved adjacent to a set of non-movable rails from the first system—see figure 1);

As described in Claims 3, 12 and 21;

10. said movable rail system further comprises a first positioning apparatus disposed on said first end and a second positioning apparatus disposed on said second end (note that motors (111-113 combined with a belt and pulley at the other end of a movable rail system provides positioning capability for the movable rails—note also that these ends can also be construed as the first and second ends recited in Claims 2 and 20);

As described in Claims 4 and 13;

11. said movable rail system comprises two parallel rails (125 and 126);

As described in Claims 5 and 14;

12. said movable rail system comprises a plurality of paired parallel rails, wherein each of said paired parallel rails has a first end and a second end (see figure 1, noting that the rails of one elevator system are located next to a second set of moving rails located on the other elevator system. Note also that it would be obvious to provide several pairs of rails driven by one motor/pulley drive system—the reason would be to provide greater movement capacity and throughput. Note also that having one single rail pair access several stationary pairs of rails is a functional equivalent of Applicants' moving rail system where multiple rails move to meet an apparent single pair of rails);

As described in Claims 6, 15 and 22;

13. each of said pairs of parallel rails further comprises a first positioning apparatus disposed on its first end and a second positioning apparatus disposed on its second end (note that the pairs of parallel rails of Ostwald et al are considered to be functional equivalents of Applicants' positioning apparatus and movable rails);

As described in Claims 7 and 16;

14. said garage further comprises one or a plurality of doors (note that it would be obvious to provide a set of doors on said garage so as to

provide access to the movable rail systems and accessors for maintenance as well as to keep the system free from contamination);

As described in Claims 8 and 17;

15. said first and second rail systems comprises two parallel rails (see figure 1);

As described in Claims 9 and 18;

16. one or a plurality of movable media storage devices (see figure 1, element (102);

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

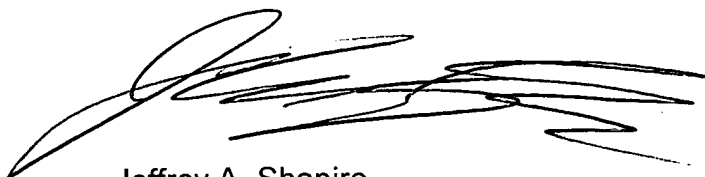
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703)306-4195 for regular communications and (703)306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

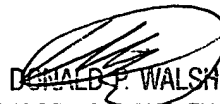
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Jeffrey A. Shapiro
Patent Examiner,
Art Unit 3653



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

February 25, 2003